



MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
AUTHORITY

FORWARD THIS REPORT TO: MMRMA CLAIMS  
14001 Merriman, Livonia, MI 48154  
Telephone: (734) 513-0300 Fax: (734) 513-0318

## LIABILITY CLAIM / INCIDENT REPORT

\*Use this form to report: 1) any claim which caused bodily injury or property damage to a Claimant or 2) any incident that has potential to cause bodily injury or property damage to a Claimant.

(1) Name of MMRMA Member: <b>NEWAYGO COUNTY</b>	(2) Member Department: <b>Parks</b>	(3) Member Department Phone #: <b>231.689.7340</b>	(4) Reported By: <b>Nick Smith</b>
(5) Exact Location of Claim/Incident: <b>Dragon Trail and Sandy Beach County park</b>	(6) Date of Claim/Incident: <b>8/5/22</b>	(7) Time of Incident: 1:53 A.M. <input type="checkbox"/> P.M. <input checked="" type="checkbox"/>	(8) Date Reported By Department: <b>8/5/22</b>

(9) **TYPE OF CLAIM:**  
☐ Bodily Injury    ☐ Civil Rights Complaint    ☐ Open Meetings Act    ☐ Zoning Dispute    ☐ Personal Injury  
☐ Property Damage    ☐ EEOC/MDCR Complaint    ☐ Freedom of Information Act    ☐ Land Use Dispute    ☐ Data Breach / Cyber

Claim ☐ Notice Only ☒

### CLAIMANT INFORMATION

(10) Claimant's Name:  Name of Parent or Guardian (if applicable):	Claimant's Address:	Claimant's Telephone #: Cell #: Home #: Work #:
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### BODILY INJURY INFORMATION

### PROPERTY DAMAGE INFORMATION

(11) Claimant's Age:	Date of Birth:	(18) Describe Property Damaged:	
(12) Describe Injury:		(19) Cause of Damage:	
(13) Part of Body Injured:		(20) Extent of Damage:	
(14) Claimant's Employer:	(15) Claimant's Occupation:	(21) Estimated Cost to Repair: \$	
(16) Did Claimant Lose Work Time? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	(17) Claimant Social Security #:	(22) Actual Cost to Repair: \$	
(23) Name of Witness:	Witness Address:	Witness Telephone #:	
1) Theresa Bailey, Park Manger		231.245.9811	
2) Nick Smith, Parks Director		231.335.6810	
3) Deputy Sargent C.J. Freriks			
(24) Photographs Taken? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Photographs Attached? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	(25) Other Supporting Documents? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Supporting Documents Attached? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	(26) Police Report #: No report filed- Call for service 22-25572 Police Report Attached? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

(27) Please describe in detail how the claim/incident occurred (attach any supporting data):

Please see attached report narrative and copy of trespass warning letter.

### (28) LAWSUIT

D. Please List Employees / Officials of Member who are Identified on the Complaint:

A. Date of Service:	1)	6)
B. Method of Service: <input type="checkbox"/> In Person <input type="checkbox"/> Mail	2)	7)
C. Name of Person Served and Title:	3)	8)
	4)	9)
	5)	10)

(29) Submitted by: <b>Nick Smith</b>	(30) Title: <b>Parks and Recreation Director</b>	(31) Date: <b>8/5/22</b>
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Parks and Recreation Director Nick Smith (Director Smith) received a call from Park Manager Theresa Bailey (Manager Bailey) at 1:53 PM, on 8/5/22, stating there was a biker at the Sandy Beach County Park Office Stating that a crazy person on the Dragon Trail (Michigan's Dragon at Hardy Dam) was chasing him and that he contacted 911 and was meeting the police at the gate.

While waiting for the Deputies, the individual chasing the biker, later identified as Lane Jeffery Myers (Mr. Myers), came up to the office and started swearing at the Park Manager. Mr. Myers then left the office and started swearing loudly at the other guy before Deputies arrived.

Deputy Kalinowski and Deputy Sergeant Freriks arrived, deescalated the situation, and Mr. Myers left the area.

Director Smith then arrived and talked to Manager Bailey about the situation and the Deputies. Director Smith explained to the Deputies that Mr. Myers was in violation of the Newaygo County Park Ordinance and was out of line by chasing the individual on the bike, so Mr. Myers would be formally trespassed from all parks and properties owned or operated by the Newaygo County Parks and Recreation Commission which included the Dragon Trail within Newaygo County. Director Smith then Contacted Parks Board Chairman Doug Harmon (Chairman Harmon) to discuss the situation. Chairman Harmon agreed, given the circumstance, that Mr. Myers should be formally trespassed.

At 3:32 pm on 8/5/22, Director Smith contacted Mr. Myers via phone and explained that he was in violation of the Newaygo County Parks Ordinance and, given the situation, he may no longer enter any park or property owned or operated by the Newaygo County Parks and Recreation Commission and that if Mr. Myers did law enforcement would be contacted and Mr. Myers would prosecuted for trespassing. Mr. Myers stated that he was on his way to Sandy Beach County Park with his lawyer, to which Director Smith once again explained that Mr. Myers may not enter the property or Law Enforcement would be contacted.

Director Smith then contacted Central Dispatched and explained to Sargent Frerkis that Director Smith had verbally advised Mr. Myers that he is trespassed from all Parks and Properties owned or operated by Newaygo County Parks Commission. Director Smith explained that Mr. Myers stated he would be returning to the park even after Director Smith told him law enforcement would be contacted if Mr. Myers entered the property. Director Smith advised Sargent Frerkis that the Park Manager would call Central Dispatch if Mr. Myers returned, and requested that Mr. Myers be charged with trespassing if that happens. Sargent Frerkis advised that he would let the next shift Sargent know of the situation should Mr. Myers Return to the park later that day.

Director Smith wrote the formal trespass warning letter and submitted a copy to Park Manager Bailey, the Newaygo County Sheriff's Office, and the Newaygo County Prosecuting Attorney's Office. Director Smith will send a copy of the trespass warning letter to Mr. Myers via certified mail when Director Smith returns to the office on Monday, 8/8/22. Please see an attached copy of the formal trespass warning letter.